UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

KEITH LONDON,

Petitioner,

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Case No. 12-CV-01078

JEAN DIMOTTO, DAVID A. CLARK, JR., and RICHARD POULSEN,
Respondents.

DECISION AND ORDER

Pro se petitioner Keith London filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 asserting that he is being held in custody in violation of the Constitution or laws of the United States. On February 15, 2013, I ordered him to refile his petition as one under 28 U.S.C. § 2254 because petitioner is being held pursuant to a state court judgment, and § 2254 encompasses any application for relief "in behalf of a person in custody pursuant to the judgment of a State court." 28 U.S.C. § 2254(a); see also Walker v. O'Brien, 216 F.3d 626, 632–33 (7th Cir. 2000). I also ordered him to provide the court with more details about why he believes he is being unlawfully detained. I gave him until March 18, 2013 to complete these tasks. Petitioner asked for an extension of that deadline, and I issued an order extending it to May 3, 2013. When petitioner missed this deadline, I dismissed the case for lack of prosecution. Petitioner says he did not receive my order granting the extension because he was admitted to the hospital on March 29 and not released until May 13. He moves for reconsideration of the order dismissing the case

on that ground. I construe this as a motion to alter or amend the judgment under Federal

Rule of Civil Procedure 59(e).

I will grant the motion and give petitioner 30 days from the date of this order to file

an amended petition. If petitioner fails to file an amended petition within this time period,

I will again dismiss the case for failure to prosecute. Along with a copy of this order, I will

have the clerk of the court again include a copy of the clerk's office form for filing a pro se

§ 2254 petition.

THEREFORE, **IT IS ORDERED** that petitioner's motion for reconsideration (Docket

#17) is **GRANTED**.

IT IS FURTHER ORDERED that the judgment entered on May 10, 2013 is

VACATED and that this case is **REOPENED**.

IT IS FURTHER ORDERED that petitioner has until July 28, 2013 to file an

amended petition under 28 U.S.C. § 2254. If petitioner does not file an amended petition

by this date, I will dismiss the case.

Dated at Milwaukee, Wisconsin, this 27th day of June 2013.

s/ Lynn Adelman

LYNN ADELMAN

District Judge

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